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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 NATIONSTAR MORTGAGE, LLC,

8 Plaintiff(s),

9 v.

10 THE BLUFFS VILLAGE II COMMUNITY
11 ASSOCIATION, et al.,

12 Defendant(s).

Case No. 2:15-CV-1472 JCM (CWH)

ORDER

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14 Presently before the court is defendant The Bluffs Village II Community Association's
15 ("defendant") motion for reconsideration. (ECF No. 83). Plaintiff Nationstar Mortgage, LLC,
16 filed a response, (ECF No. 85), and defendant filed a reply, (ECF No. 86).

17 The parties are familiar with the facts of the case, which the court detailed in its order
18 granting defendant's motion for summary judgment,¹ and the court will not recite them here.

19 A motion for reconsideration "should not be granted, absent highly unusual
20 circumstances." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).
21 "Reconsideration is appropriate if the district court (1) is presented with newly discovered
22 evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is
23 an intervening change in controlling law." *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263
24 (9th Cir. 1993); Fed. R. Civ. P. 60(b).

25 Defendant asserts that the court's holding that the foreclosure sale extinguished plaintiff's
26 deed of trust necessitates rulings as a matter of law in favor of defendant on plaintiff's claims for

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28 ¹ The court also granted defendant Alam Investment Ltd. Co.'s ("Alam") motion for
summary judgment. (ECF No. 82).

1 unjust enrichment and violation of NRS 116.1113. (ECF No. 83). After reviewing the parties'
2 filings, the court agrees.

3 Plaintiff's claims for unjust enrichment and violation of NRS 116.1113 are based on
4 plaintiff's theory that the foreclosure sale was unfair. *See* (ECF Nos. 1, 65, 85). Plaintiff asserts
5 that because the court has held that the foreclosure sale transferred title free-and-clear to defendant
6 Keynote Properties, LLC ("Keynote"),² the unfairness of the sale (as evidenced by the
7 disproportionately low price, rejected tender, and CC&R violations) has caused plaintiff
8 cognizable harm that supports causes of action for unjust enrichment and violation of NRS
9 116.1113. (ECF No. 85).

10 In the order granting defendant's motions for summary judgment, the court considered and
11 rejected plaintiff's unfairness arguments in the context of plaintiff's quiet title claim. (ECF No.
12 82); *see also Christiana Trust, a Division of Wilmington Savings Fund Society, FSB v. Red Lizard*
13 *Productions, LLC*, Case No. 2:15-cv-01851-JCM-PAL, 2018 WL 2370687 (D. Nev. May 24,
14 2018); *Bank of America, N.A. v. Hollow de Oro Homeowners Association*, ---F. Supp. 3d ----, Case
15 No. 2:16-cv-00675-JCM-VCF, 2018 WL 523354 (D. Nev. Jan. 23, 2018); *Green Tree Servicing*
16 *LLC v. SFR Invs. Pool 1, LLC*, 237 F. Supp. 3d 1068 (D. Nev. 2017). Therefore, because the sale
17 was not unfair, defendants are entitled to judgment as a matter of law on plaintiff's claims for
18 unjust enrichment and violation of NRS 116.1113. The court will grant defendant's motion for
19 reconsideration.

20 Accordingly,

21 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion for
22 reconsideration (ECF No. 83) be, and the same hereby is, GRANTED, consistent with the
23 foregoing.

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28 ² After the foreclosure sale, Keynote transferred its interest to MRT Assets, LLC, who
subsequently transferred its interest to defendant Alam.

1 IT IS FURTHER ORDERED that defendant shall file a proposed judgment consistent with
2 this order and the order granting defendant's motion for summary judgment in part (ECF No. 82)
3 within fourteen (14) days of the date of this order.

4 DATED June 26, 2018.

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6 UNITED STATES DISTRICT JUDGE
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